



Attorney Docket No. 00021.06CON

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	ZAFFARONI, <i>et al.</i>	}	EXAMINER:	HAGHIGHATIAN, MINA
SERIAL NO.:	10/749,783		ART UNIT:	1616
FILED:	DECEMBER 30, 2003		CONFIRMATION NO.:	1083
TITLE:	DELIVERY OF DRUG ESTERS THROUGH AN INHALATION ROUTE)	

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Applicant calls the Examiner's attention to the patents and publications listed on the attached Form PTO-1449, copies of required documents enclosed, which may be material to examination of the above identified application.

TIME OF TRANSMITTAL

This Information Disclosure Statement is being submitted under 37 CFR § 1.97(c). This Statement is filed after three months from the filing date of the national application, after three months from the date of entry into national stage under 37 CFR § 1.491, after the mailing of a first Office Action on the merits, or after the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR § 1.114, but before the mailing date of any of:

- (a) a final action under 37 CFR § 1.113;
- (b) a notice of allowance under 37 CFR § 1.311; or
- (c) an action that otherwise closes prosecution in the application.

This Statement is accompanied by a check for \$180 in accordance with 37 CFR §§1.97(c) and 1.17(p). The undersigned hereby authorizes the charging of any deficiency of fees submitted herewith to Deposit Account No. 19-5117.

10/11/2005 MBELETE1 00000019 10749783

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180.00 OP

37 CFR 1.8

CERTIFICATE OF MAILING

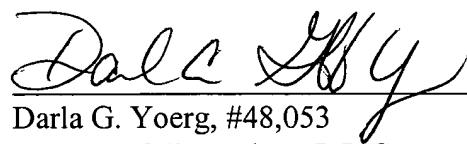
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on *10/11/05*

Signature: *Tasha L. Pierce*
Name: Tasha L. Pierce

The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner. This listed patents and publications are believed of interest herein and consideration and citation of as interest by Examiner is respectfully requested.

Respectfully submitted,

Date: October 5, 2004



Darla G. Yoerg, #48,053

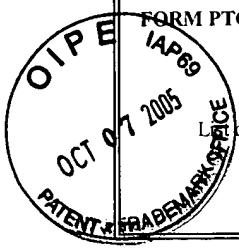
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COMMERCE PATENT
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OFFICE

List of Information Cited by Applicant

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SERIAL NO.

10/749,783

APPLICANT

Rabinowitz, et al.

FILING DATE

December 30, 2003

GROUP

1616

U.S. PATENT DOCUMENTS

EXAM. INITIAL		DOCUMENT NUMBER	DATE	NAME	CLS	SUB- CLS	FILE DATE
	DA	10/057,198	10/26/2001	Lloyd et al.			
	DB	10/146,088	05/13/2002	Hale et al.			
	DC	10/280,315	10/25/2002	Shen			
	DD	10/302,614	11/21/2002	Lu			
	DE	10/322,227	12/17/2002	Novack et al.			
	DF	10/442,385	05/20/2003	Cross et al.			
	DG	10/719,540	11/20/2003	Hale et al.			
	DH	10/850,895	05/20/2004	Damani et al.			
	DI	10/851,018	05/20/2004	Hale et al.			
	DJ	10/851,429	05/20/2004	Hale et al.			
	DK	10/851,432	05/20/2004	Hale et al.			
	DL	10/851,883	05/20/2004	Hale et al.			
	DM	10/861,554	06/03/2004	Cross et al.			
	DN	10/912,417	08/04/2004	Bennett et al.			
	DO	10/917,720	08/12/2004	Hale et al.			
	DP	10/917,735	08/12/2004	Hale et al.			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

DQ	Office Action mailed 12/04/03 for US App. No. 10/057,198 filed 10/26/01, "Method And Device For Delivering A Physiologically Active Compound"
DR	Office Action mailed 01/12/05 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method"
DS	Office Action mailed 06/03/04 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method"
DT	Office Action mailed 12/15/03 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method"
DU	Office Action mailed 02/27/04 for US App. No. 10/146,080 filed 05/13/02, "Aerosol Forming Device For Use In Inhalation Therapy"
DV	Clark, A. and Byron, P. (1986). "Dependence of Pulmonary Absorption Kinetics on Aerosol Particle Size," <i>Z. Erkrank.</i> 166:13-24.
DW	Vapotronics, Inc. (1998) located at < http://www.vapotronics.com.au/banner.htm >, 11 pages, (visited on June 5, 2000).

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449 List of Information Cited by Applicant Page 2 of 4	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 00021.06CON	SERIAL NO. 10/749,783
	APPLICANT	Rabinowitz, et al.	
	FILING DATE December 30, 2003	GROUP 1616	

U.S. PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	NAME	CLS	SUB- CLS	FILE DATE
	BA	3,219,533	11/23/1965	Mullins			
	BB	3,949,743	04/13/1976	Shanbrom			
	BC	3,982,095	09/21/1976	Robinson			
	BD	3,987,052	10/19/1976	Hester, Jr.			
	BE	4,141,369	02/27/1979	Burruss			
	BF	Re.30,285	05/27/1980	Babington			
	BG	4,229,447	10/21/1980	Porter			
	BH	4,303,083	12/01/1981	Burruss, Jr.			
	BI	4,474,191	10/02/1984	Steiner			
	BJ	4,484,576	11/27/1984	Albarda			
	BK	4,508,726	04/02/1985	Coleman			
	BL	4,566,451	01/28/1986	Badewien			
	BM	4,588,721	05/13/1986	Mahan			
	BN	4,708,151	11/24/1987	Shelar			
	BO	4,734,560	03/29/1988	Bowen			
	BP	4,735,217	04/05/1988	Gerth et al.			
	BQ	4,819,665	04/11/1989	Roberts et al.			
	BR	4,853,517	08/01/1989	Bowen et al.			
	BS	4,863,720	09/05/1989	Burghart et al.			
	BT	4,906,417	03/06/1990	Gentry			
	BU	4,917,119	04/17/1990	Potter et al.			
	BV	4,924,883	05/15/1990	Perfetti et al.			
	BW	4,941,483	07/17/1990	Ridings et al.			
	BX	4,963,289	10/16/1990	Ortiz et al.			
	BY	5,017,575	05/21/1991	Golwyn			
	BZ	5,042,509	08/27/1991	Banerjee et al.			
	BAA	5,060,671	10/29/1991	Counts et al.			
	BBB	5,099,861	03/31/1992	Clearman et al.			
	BCC	5,135,009	08/04/1992	Muller et al.			
	BDD	5,144,962	09/08/1992	Counts et al.			
	BEE	5,146,915	09/15/1992	Montgomery			
	BFF	5,166,202	11/24/1992	Schweizer			
	BGG	5,224,498	07/06/1993	Deevi et al.			

EXAMINER

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EXAM. INITIAL		DOCUMENT NUMBER	DATE	NAME	CLS	SUB- CLS	FILE DATE
	CA	5,240,922	08/31/1993	O'Neill			
	CB	5,345,951	09/13/1994	Serrano et al.			
	CC	5,366,770	11/22/1994	Wang			
	CD	5,456,247	10/10/1995	Shilling et al.			
	CE	5,457,100	10/10/1995	Daniel			
	CF	5,511,726	04/30/1996	Greenspan et al.			
	CG	5,543,434	08/06/1996	Weg			
	CH	5,564,442	10/15/1996	MacDonald et al.			
	CI	5,592,934	01/14/1997	Thwaites			
	CJ	5,605,146	02/25/1997	Sarela			
	CK	5,649,554	07/22/1997	Sprinkel et al.			
	CL	5,655,523	08/12/1997	Hodson et al.			
	CM	5,666,977	09/16/1997	Higgins et al.			
	CN	5,743,251	04/28/1998	Howell et al.			
	CO	5,758,637	06/02/1998	Ivri et al.			
	CP	5,767,117	06/16/1998	Moskowitz			
	CQ	5,819,756	10/13/1998	Mielordt			
	CR	5,840,246	11/24/1998	Hammons et al.			
	CS	5,855,913	01/05/1999	Hanes et al.			
	CT	5,874,481	02/23/1999	Weers et al.			
	CU	5,894,841	04/20/1999	Voges			
	CV	5,918,595	07/06/1999	Olsson et al.			
	CW	6,048,857	04/11/2000	Ellinwood, Jr. et al.			
	CX	Re.36,744	06/20/2000	Goldberg			
	CY	6,090,212	07/18/2000	Mahawili			
	CZ	6,095,134	08/01/2000	Sievers et al.			
	CAA	6,131,570	10/17/2000	Schuster et al.			
	CBB	6,136,295	10/24/2000	Edwards et al.			
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	CDD	6,155,268	12/05/2000	Takeuchi			
	CEE	6,158,431	12/12/2000	Poole			
	CFF	6,234,167	05/22/2001	Cox et al.			
	CGG	6,413,930	07/02/2002	Ratti et al.			
	CHH	6,632,047	10/14/2003	Vinegar et al.			
	CII	6,701,922	03/09/2004	Hindle et al.			
	CJJ	6,772,756	08/10/2004	Shayan			
	CKK	2002/0117175	08/29/2002	Kottayil et al.			
	CLL	2004/0016427	01/29/2004	Byron et al.			

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FOREIGN PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLS	SUB CLS	TRANS ?
	DA	GB 502 761	03/24/1939	Great Britain			
	DB	WO 90/02737	03/22/1990	WIPO			
	DC	WO 94/09842	05/11/1994	WIPO			
	DD	WO 97/36574	10/09/1997	WIPO			
	DE	WO 99/16419	04/08/1999	WIPO			
	DF	WO 00/66206	11/09/2000	WIPO			
	DG	WO 01/95903	12/20/2001	WIPO			
	DH	WO 03/37412	05/08/2003	WIPO			
	DI						
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